

Docket No. 4010.3002 US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: Mark A. Holland and Nicole Lenihan
Patent No.: 7,550,283 B2 Group Art Unit: 1648
Issue Date: June 23, 2009 Examiner: Nicole Erin Kinsey White
Confirmation No.: 9018
For: BACTERIOPHAGE FOR LYSIS OF *METHYLOBACTERIUM* AND
COMPOSITIONS AND USES THEREOF

REQUEST FOR RECONSIDERATION

Dear Sir:

This letter is to request reconsideration of the Decision dated May 17, 2010 regarding the Patent Term Adjustment under Rule 705 to the extent explained below.

The Decision states that the Rule 703-B period excludes the period the application was on appeal, i.e., from January 9, 2009 (the filing date of the Notice of Appeal) to February 9, 2009 (the mailing date of the Notice of Allowance). It then goes on to state that the A-delay from January 11, 2009 to February 9, 2009, overlaps with the B-period, subtracting these same days twice. This calculation is not understood. If these days are "excluded" from the B-period, they do not "overlap" with the A-period. It is inequitable to *subtract* these days twice.

It is believed that the USPTO deems the Rule 703-A period to be 499 days. It is believed that the Rule 704-B period should be 774 days. Applicant delay is believed to be 176 days. Total Patent Term Adjustment of (499+774-176) or 1097 days is requested.

Respectfully submitted,

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